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10/089,405	07/17/2002	Serge Haumont	P290791	5242

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EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/089,405	Applicant(s) HAUMONT, SERGE	
	Examiner Lisa Hashem	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-16 and 18-25 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent Application Publication No. 2002/0077334 by Joyce et al, hereinafter Joyce.

Regarding claim 1, Joyce discloses a method of determining services accessible via a subscription having an account (e.g. subscriber requested services for a paid customer) (section 0003, lines 1-8; section 0018, lines 9-12; section 0082, lines 1-8; section 0094, lines 9-12) and at least a first limit (e.g. predetermined limit) in a communication system (Fig. 1) (section 0017, lines 1-14; section 0023, lines 1-14; section 0059, lines 5-10), the method comprising: defining at least a first set of services (e.g. NetManager or Switch Manager services: telephony services that include voice mail services, call conferencing, and outdialing) and a second set of services (e.g. a depositing service (paying for services): add a value to or 'top-up' the card) to be used with the subscription, each set of services defining services accessible via the subscription (section 0061, lines 1-9; section 0067, line 1 – section 0078, line 40; section 0093, lines 1-3); comparing the balance of the account with the first limit (section 0094, lines 32-38);

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using the first set of services (e.g. making a call or invoking a service) when the balance of the account does not reach the first limit (e.g. sufficient balance remains in the account) (section 0094, lines 1-40); and

using the second set of services (e.g. add a value to or 'top-up' the card) when the balance reaches the first limit (e.g. balance being exhausted) (section 0098, lines 1-8).

Regarding claim 2, a method as claimed in claim 1, wherein Joyce further discloses the method further comprising:

using in the communication system (Fig. 1) access point names (e.g. Switch Manager Services, Net Manager Computer Telephony Services, Client Application Services, Pin Server) to define where and how to connect the user of the subscription (section 0059, line 1 – section 0061, line 24; section 0067, lines 1-17);

selecting during connection activation the access point name to be used with this connection (section 0059, line 1 – section 0061, line 24; section 0067, lines 1-17; section 0094, lines 1-23);

defining a first access point name (e.g. Switch Manager services) for the first set of services (section 0094, lines 1-23); and

defining a second access point name (e.g. PIN server) for the second set of services (section 0073, lines 1-5; section 0098, lines 1-8).

Regarding claim 3, a method as claimed in claim 1, wherein Joyce further discloses the communication system inherently comprising a firewall (e.g. a system designed to prevent unauthorized access to or from a private network); and

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the method further comprising defining accessible services via a set of services by defining at least a firewall configuration for the set of services (section 0074, lines 1-18; section 0081, lines 1-12; section 0094, lines 1-23).

Regarding claim 4, a method as claimed in claim 1, wherein Joyce further discloses the method further comprising defining accessible services via a set of services by defining at least a range of allowed addresses (e.g. access number) for the set of services (section 0059, line 1 – section 0060, line 23; section 0094, lines 1-9).

Regarding claim 5, a method as claimed in claim 1, wherein Joyce further discloses the method further comprising the step of indicating the set of services which is to be used by the charging characteristics to be applied (section 0074, lines 13-18; section 0094, lines 32-40).

Regarding claim 6, a method as claimed in claim 1, wherein Joyce further discloses the second set of services comprising services free of charge (section 0098, lines 1-8).

Regarding claim 7, a method as claimed in claim 1, wherein Joyce further discloses the second set of services being a subset of the first set of services (section 0068, lines 1-4; section 0073, lines 1-5; section 0098, lines 1-8).

Regarding claim 8, a method as claimed in claim 1, wherein Joyce further discloses the method further comprising informing the user of the subscription of the services accessible via the second set of services in response to using the second set of services (section 0098, lines 1-8).

Regarding claim 9, a method as claimed in claim 1, wherein Joyce further discloses the subscription is a postpaid subscription (section 0028, lines 1-8; section 0070, lines 19-25); the first limit is the maximum allowed amount of the bill (section 0059, lines 10-13); and

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the balance of the account indicates the amount of the bill to be charged from the subscription (section 0070, lines 19-25).

Regarding claim 10, a method as claimed in claim 1, wherein Joyce further discloses the subscription is a prepaid subscription (section 0028, lines 1-8; section 0070, lines 19-24; section 0073, lines 1-5; section 0074, lines 13-18);

the first limit is the preset minimum value for the account (section 0059, lines 10-13); and the balance of the account indicates the amount of money the subscriber still has in use (section 0070, lines 19-24; section 0074, lines 13-18).

Regarding claim 11, a method as claimed in claim 10, wherein Joyce further discloses at least the second set of services comprises a deposition service (section 0098, lines 1-8).

Regarding claim 12, a method as claimed in claim 11, wherein Joyce further discloses the depositing service utilizes the authentication of the communication system when authenticating the one who wants to deposit (section 0073, lines 1-5; section 0094, lines 1-23; section 0098, lines 1-8).

Regarding claim 13, Joyce discloses a communication system (Fig. 1) providing a subscription with an account (e.g. subscriber requested services for a paid customer) (section 0003, lines 1-8; section 0018, lines 9-12; section 0082, lines 1-8; section 0094, lines 9-12) and at least a first limit (e.g. predetermined limit) (section 0017, lines 1-14; section 0023, lines 1-14; section 0059, lines 5-10),

the communication system (Fig. 1) comprising:

a first node (Fig. 1, 27) monitoring the balance of the account (section 0023, lines 1-14; section 0094, lines 1-23),

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wherein the communication system comprises memory for storing definitions of at least a first set of services (e.g. NetManager or Switch Manager services: telephony services that include voice mail services, call conferencing, and outdialing) and a second set of services (e.g. a depositing service (paying for services): add a value to or 'top-up' the card) to be used with the subscription (section 0084, lines 1-16; section 0093, lines 1-7), each set of services defining services accessible via the subscription (section 0061, lines 1-9; section 0067, line 1 – section 0078, line 40; section 0093, lines 1-3); and

the communication system is arranged to compare the balance with the first limit and to allow access to the first set of services (e.g. making a call or invoking a service) when the balance has not reached the first limit (e.g. sufficient balance remains in the account) (section 0094, lines 1-40), and

to allow access to the second set of services (e.g. add a value to or 'top-up' the card) when the balance has reached the first limit (e.g. balance being exhausted) (section 0098, lines 1-8).

Regarding claim 14, a communication system as claimed in claim 13, wherein Joyce further discloses

the first node is arranged to perform the comparison during connection activation and to indicate which set of services is to be used with the connection (section 0059, line 1 – section 0060, line 23; section 0094, lines 1-23); and

in response to a connection with access to the first set of services to inherently trigger deactivation of the connection when the balance reaches the first limit (section 0094, line 1 - section 0095, line 7).

Regarding claim 15, a communication system as claimed in claim 13, wherein Joyce further discloses the communication system further comprises a second node (Fig. 1, 33) maintaining subscription information including at least an indication indicating an allowed set of services for the subscription (section 0061, lines 1-11; section 0094, lines 1-32); the first node is arranged to perform the comparison and in response to the balance reaching the first limit to direct the second node to set the second set of services as the allowed set of services and in response to the balance, not any more reaching the first limit after reaching the first limit (section 0098, lines 1-8), to direct the second node to set the first set of services as the allowed set of services (section 0094, lines 32-40); and the second node is arranged to send at least information on the allowed set of services as a part of the subscription information to the communication system during connection activation (section 0061, lines 1-11); in response to a received direction from the first node to modify the first indication to correspond to the received direction; and in response to modifying the allowed set of services of an active connection to trigger deactivation of the connection (section 0094, line 1 – section 0095, line 8).

Regarding claim 16, a communication system as claimed in claim 15, wherein Joyce further discloses the subscription information maintained in the second node further includes at least identification information on the first and second set of services and the indication indicates which one of the sets of services is the allowed set of services (section 0061, lines 1-11; section 0094, lines 1-32).

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Regarding claim 18, Joyce discloses a network node (e.g. telephony platform) (Fig. 1, 100) in a communication system (Fig. 1) providing a subscription with an account (e.g. subscriber requested services for a paid customer) (section 0003, lines 1-8; section 0018, lines 9-12; section 0082, lines 1-8; section 0094, lines 9-12) and at least a first limit (e.g. predetermined limit) (section 0017, lines 1-14; section 0023, lines 1-14; section 0059, lines 5-10), the network node being arranged to monitor the balance of the account (section 0023, lines 1-14), wherein the network node is arranged to compare the balance with the first limit and to allow access to a first set of services (e.g. NetManager or Switch Manager services: telephony services that include voice mail services, call conferencing, and outdialing) when the balance does not reach the first limit (e.g. sufficient balance remains in the account) (section 0094, lines 1-40), and to allow access to a second set of services (e.g. a depositing service (paying for services): add a value to or 'top-up' the card) when the balance reaches or has reached the first limit (e.g. balance being exhausted) (section 0098, lines 1-8), both sets of services defining services accessible via the subscription (section 0061, lines 1-9; section 0067, line 1 – section 0078, line 40; section 0093, lines 1-3).

Regarding claim 19, Joyce discloses a network node (e.g. telephony platform) (Fig. 1, 100) in a communication system (Fig. 1) providing a subscription with an account (e.g. subscriber requested services for a paid customer) (section 0003, lines 1-8; section 0018, lines 9-

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12; section 0082, lines 1-8; section 0094, lines 9-12) and at least a first limit (e.g. predetermined limit) (section 0017, lines 1-14; section 0023, lines 1-14; section 0059, lines 5-10), the network node being arranged to monitor the balance of the account (section 0023, lines 1-14), wherein the network node is arranged to communicate with a second network node (e.g. wireline telephone: Fig. 1, 7; wireless telephone: Fig. 1, 9) (section 0059, line 1 – section 0060, line 23); to compare the balance with the first limit (section 0074, lines 13-18; section 0094, lines 1-40; section 0098, lines 1-8); and to indicate to the second network node which set of services from among at least two different sets of services (e.g. making a call or invoking a service) defined for the subscription is the allowed set of services on the basis of said comparison, each set of said at least two different sets of services defining services accessible via the subscription (e.g. NetManager or Switch Manager services: telephony services that include voice mail services, call conferencing, and outdialing) (section 0061, lines 1-9; section 0067, line 1 – section 0078, line 40; section 0093, lines 1-3; section 0094, lines 1-40).

Regarding claim 20, a network node as claimed in claim 19, wherein Joyce further discloses the network node is arranged to indicate the allowed set of services in response to the balance reaching the limit and in response to the balance not any more reaching the limit (section 0074, lines 13-18; section 0094, lines 1-40; section 0098, lines 1-8).

Regarding claim 21, Joyce discloses a network node (e.g. telephony platform) (Fig. 1, 100) in a communication system (Fig. 1) providing a subscription (e.g. subscriber requested

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services for a paid customer) (section 0003, lines 1-8; section 0018, lines 9-12; section 0082, lines 1-8; section 0094, lines 9-12),

wherein the network node is arranged to receive from the communication system an indication indicating the use of a certain set of services from among at least two different sets of services (e.g. NetManager services and CallManager (Switch Manager) services) defined for the subscription (section 0059, line 1 – section 0060, line 23),

each set of said at least two different sets of services defining services accessible via the subscription (section 0061, lines 1-9; section 0067, line 1 – section 0078, line 40; section 0093, lines 1-3); and

in response to receiving the indication to provide access only to services included in the indicated certain set of services (e.g. Switch Manager services) (section 0094, lines 1-40).

Regarding claim 22, a network node as claimed in claim 21, wherein Joyce further discloses the network node is arranged, in response to receiving the indication (section 0059, line 1 – section 0060, line 23), to inform the user of the subscription of the services accessible via the indicated certain set of services (e.g. CallManager; Switch Manager is included in CallManager) (section 0094, lines 1-40).

Regarding claim 23, a network node as claimed in claim 21, wherein Joyce further discloses the network node is arranged to receive an access point name (e.g. CallManager: Fig. 1, 102; NetManager: Fig. 1, 104) as the indication of the set of services, the access point name being used in the communication system to define where and how to connect the user of the subscription

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(section 0059, line 1 – section 0060, line 23).

Regarding claim 24, a network node as claimed in claim 21, wherein Joyce further discloses the network node is inherently an application server (Fig. 1, 100) (section 0023, lines 1-14; section 0059, line 1 – section 0060, line 23).

Regarding claim 25, Joyce discloses a method of determining services accessible via a subscription having an account (e.g. subscriber requested services for a paid customer) (section 0003, lines 1-8; section 0018, lines 9-12; section 0082, lines 1-8; section 0094, lines 9-12) and at least a predetermined first limit (e.g. predetermined limit) in a communication system (Fig. 1), the method comprising:

maintaining definitions of at least a first set of services (e.g. NetManager or Switch Manager services: telephony services that include voice mail services, call conferencing, and outdialing) and a second set of services (e.g. a depositing service (paying for services): add a value to or ‘top-up’ the card) to be used with the subscription,

each set of services defining services accessible via the subscription (section 0061, lines 1-9; section 0067, line 1 – section 0078, line 40; section 0093, lines 1-3),

the second set of services being a subset of the first set of services (section 0068, lines 1-4; section 0073, lines 1-5; section 0098, lines 1-8) and comprising services which are not charged from the subscriber (section 0098, lines 1-8);

comparing during connection activation, the balance of the account with the first limit (section 0094, lines 1-40);

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deciding, during connection activation and on the basis of the comparison, which set of services, among said at least the first set of services and the second set of services, can be used (section 0059, line 1 – section 0060, line 23; section 0094, lines 1-23);

using the first set of services (e.g. making a call or invoking a service) when the balance of the account does not reach the first limit (e.g. sufficient balance remains in the account) (section 0094, lines 32-40); and

using the second set of services (e.g. add a value to or ‘top-up’ the card) when the balance reaches the first limit (e.g. balance being exhausted) (section 0098, lines 1-8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce, as applied to claim 1, in view of U.S. Patent No. 6,711,147 by Barnes et al, hereinafter Barnes.

Regarding claim 17, a communication system as claimed in claim 13, wherein Joyce further discloses the communication system supports Internet and online services (Fig. 1, 21; section 0114, lines 13-15).

Joyce does not disclose the communication system supports the General Packed Radio Service (GPRS); and the connection is activated by activating a PDP context.

Barnes discloses a network, system, and method for merging GPRS and mobile IP. Wherein the wireless communication system supports the GPRS service and GPRS allows a

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mobile node to communicate with networks such as, the Internet or PSTN. The connection is activated by activating a PDP context (column 1, lines 54-64; column 2, line 65 – column 3, line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Joyce to include a packet service such as GPRS as taught by Barnes. One of ordinary skill in the art would have been lead to make such a modification since the development of GPRS in the GSM mobile communication system allows packet data transmission between mobile data terminals and external data networks.

Response to Arguments

5. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.
6. Accordingly, this action is **NON-FINAL**.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 6,732,176 by Stewart et al discloses a method of determining services accessible via an account, the method comprising: defining at least a first set of services (e.g. services on the WAYPORT network) and a second set of services (e.g. paid services in the XYZ network); defining an access point for both sets of services (Fig. 1, 120)

8. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Or faxed to:

(703) 872-9306 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

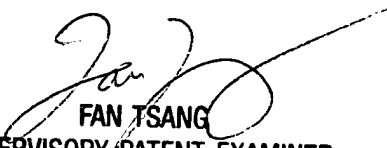
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

January 20, 2006


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